

ASSEMBLY BILL

No. 625

Introduced by Assembly Member Lieu

February 25, 2009

An act to amend Section 14941 of, and to add Section 14944 to, the Health and Safety Code, relating to cigarette lighters.

LEGISLATIVE COUNSEL'S DIGEST

AB 625, as introduced, Lieu. Novelty lighters.

Existing law requires the State Fire Marshal to specify standards for the design of cigarette lighters. Existing law prohibits a person from selling, offering for sale, or distributing a cigarette lighter that does not comply with those standards. A violation of these provisions is an infraction.

This bill would, in addition, prohibit a person, including a manufacturer, distributor, importer, or retailer, from selling, offering for sale, distributing, or offering for promotion an operable novelty lighter. The bill would define a novelty lighter as a mechanical or electrical device, operating on any type of fuel, that is typically used for lighting cigarettes, cigars, or pipes and that (1) is designed to appear to be a toy, (2) has entertaining audio or visual effects, or (3) resembles in physical form or function articles commonly recognized as appealing to, or intended for use by, persons under 18 years of age. A violation of this prohibition would be an infraction. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14941 of the Health and Safety Code is
2 amended to read:

3 14941. As used in this part, the following terms shall have the
4 following meanings:

5 (a) "Cigarette lighter" means a device used to light cigarettes,
6 cigars, and pipes, but does not mean a match. "Cigarette lighter"
7 includes a device, such as a watch, that may be used to light
8 cigarettes, cigars, and pipes even though it is primarily used for
9 other purposes. "Cigarette lighter" does not include lighters that
10 are refillable and have a gross fueled weight of at least 35 grams.

11 (b) (1) "Novelty lighter" means a mechanical or electrical
12 device, operating on any type of fuel, including butane or liquid
13 fuel, that is typically used for lighting cigarettes, cigars, or pipes
14 and that has any of the following characteristics:

15 (A) The device is designed to appear to be a toy.

16 (B) The device has entertaining audio or visual effects.

17 (C) The device resembles in physical form or function articles
18 commonly recognized as appealing to, or intended for use by,
19 persons under 18 years of age.

20 (2) The devices described in subparagraphs (A) to (C), inclusive,
21 of paragraph (1) include, but are not limited to, devices that
22 resemble cartoon characters, guns, watches, musical instruments,
23 vehicles, toy animals, or foods or beverages, or devices that play
24 musical notes or have flashing lights or other entertaining features.

25 (3) "Novelty lighter" does not include any of the following:

26 (A) A device manufactured before January 1, 1980.

27 (B) A device that is incapable of being fueled or that lacks a
28 means of producing combustion or a flame.

29 (C) A device used primarily to ignite fuel for fireplaces or for
30 charcoal or gas grills.

31 ~~(b)~~

32 (c) "Operate" means the ability to cause a cigarette lighter to
33 ignite.

1 (e)

2 (d) “Special design” means a design of a cigarette lighter that
3 results in the cigarette lighter being significantly difficult for
4 children under five years of age to operate.

5 SEC. 2. Section 14944 is added to the Health and Safety Code,
6 to read:

7 14944. (a) No person, including a manufacturer, distributor,
8 importer, or retailer, shall sell, offer for sale, distribute, or offer
9 for promotion an operable novelty lighter.

10 (b) The prohibition contained in subdivision (a) shall not apply
11 to the storage of novelty lighters in a location that is closed to the
12 public for the purpose of distributing the novelty lighters outside
13 the state.

14 (c) This section shall be enforced by the State Fire Marshal, any
15 police officer, any local code enforcement official, or any state or
16 local official authorized to enforce the provisions of this part.

17 (d) A person who violates subdivision (a) is guilty of an
18 infraction and shall be punished by a fine not to exceed five
19 hundred dollars (\$500).

20 (e) This section shall not supersede any ordinance enacted by
21 a local jurisdiction prior to January 1, 2010.

22 SEC. 3. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.